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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
DIVISION

RICO PAUL # 1217057

(Write the full name of the plaintiff in this action.
Include prisoner registration number.)

Case No: _____
(to be assigned by Clerk of District Court)

v.

Plaintiff Requests Trial by Jury

☒ Yes ☐ No

C.O. Tedd Ford, C.O. Shiloh, Q Miller # E01141352

Sgt. Meza, C.O. Conrad, C.O. Campbell, C.O. Harsh

C.O. Hobbs, Caseworker Browers, Fum Price,

Major Hunter, Caseworker Steve Francis, C.O. Harley

Caseworker Ms. Eddleman

(Write the full name of each defendant. The caption
must include the names of all of the parties.)

Fed. R. Civ. P. 10(a). Merely listing one party and
writing "et al." is insufficient. Attach additional
sheets if necessary.)

PRISONER CIVIL RIGHTS COMPLAINT UNDER 42 U.S.C. § 1983

NOTICE:

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date, the full name of a person known to be a minor, or a complete financial account number. A filing may include only: the last four digits of a social security number, the year of an individual's birth, a minor's initials, and the last four digits of a financial account number.

Except as noted in this form, plaintiff should not send exhibits, affidavits, witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the \$400.00 filing fee or an application to proceed without prepayment of fees and costs.

I. The Parties to this Complaint

A. The Plaintiff

Name: Rico Paul

Other names you have used: N/A

Prisoner Registration Number: 127057

Current Institution: PCC

Indicate your prisoner status:

- | | |
|---|--|
| <input type="checkbox"/> Pretrial detainee | <input checked="" type="checkbox"/> Convicted and sentenced state prisoner |
| <input type="checkbox"/> Civilly committed detainee | <input type="checkbox"/> Convicted and sentenced federal prisoner |
| <input type="checkbox"/> Immigration detainee | <input type="checkbox"/> Other (explain): _____ |

B. The Defendant(s)

To the best of your knowledge, give the information below for each defendant named in the caption of this complaint. Make sure the defendant(s) named below are the same as those listed in the caption of this complaint. Attach additional pages if necessary.

For an individual defendant, include the person's job title, and check whether you are suing the individual in his or her individual capacity, official capacity, or both.

Defendant 1

Name: Sheloh Q. Miller

Job or Title: Correctional Officer

Badge/Shield Number: E0141352

Employer: Department of Correction

Address: 11593 State Highway O, Mineral Point, MD 21660

- | | |
|---|---|
| <input checked="" type="checkbox"/> Individual Capacity | <input checked="" type="checkbox"/> Official Capacity |
|---|---|

Defendant 2Name: Jennifer PriceJob or Title: Furn

Badge/Shield Number: _____

Employer: Department of CorrectionAddress: 1593 State Highway O, Mineral Point, MO 63660

Individual Capacity



Official Capacity

II. Statement of Claim

Type, or neatly print, a short and plain statement of the **FACTS** that support your claim(s). For every defendant you have named in this complaint, you must state what he or she personally did to harm you. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Do not make legal arguments, or cite court cases or statutes. You may attach additional pages if necessary.

Your statement of claim must include all of the following information:

1. What happened to you?
2. When did it happen?
3. Where did it happen?
4. What injuries did you suffer?
5. What did each defendant personally do, or fail to do, to harm you?

On December 26, 2018 I was housed at Unit 2 at PCC Prison and after lunch time the ceiling start flooding with water. That was the 7:30 am to 3:30 pm shift I made C.O. Tedford, C.O. Miller, and Sgt. Mezo aware as they walked through the housing unit even though I knew they seen what was going on from their position in the control center of housing unit 2. I request C.O. Conrad emergency cell move since my cell (27) ceiling was flooding and he also denied my request right along with C.O. Miller, Sgt. Mezo, and C.O. Tedford. On the 3:30 p.m. shift to 11:30 p.m. I made C.O. Campbell and C.O. Harsh aware of the ceiling flooding in the dorm and my cell and that it was hard for me to breathe and I will like to be moved to another cell. C.O. Harsh said "it sucks to be you." My request and complaint was disregarded. He was conducting showers. Let me also bring to the court attention that every date that is brought up in this complaint they served our food through the mold infestation unsanitary pipeline water. On December 27, 2018 right before I went and got my haircut I told Furn Price, Major Hunter and CCM Francis

as they did Ad-Sea committee at Cell 26 and Cell 28 that my ceiling was flooding and that dorm ceiling was flooding even though I knew they seen it and they ignored me. (Let me bring to the court attention I made them aware that those condition were inhumane living condition which is a deliberate indifference.) I told C.O. Miller, C.O. Tedford, C.O. Hobbs and Sgt. Mezo as they pulled me out for my haircut and they disregarded everything I said. At 2:30 p.m. Caseworker Browers came to my cell and I made him aware of the situation of the ceiling flooding and I request that he move me to another cell since he is the bad broker and due to the circumstance. He asked me "When do you get out the hole?" I said "January 3, 2019." He said "Good because you don't have to suffer much longer." When the shift changed at 3:30 p.m. to 11:30 p.m. I told C.O. Harley that my ceiling was flooding along with the ceiling in the dorm he said "that's not his job description." On December 28, 2018, I told Caseworker Edlekman about the ceiling flooding with water in my cell and in the dorm as she did her rounds she said "she put in a work order" that was at 1:25 p.m. On December 29, 2018 I told C.O. Blankenship that the ceiling was leaking and she ignored me. December 30, 2018 the ceiling stop flooding with mold infestation unsanitary ~~and~~ pipeline water. Let also bring to your attention I declared and seeked medical attention because it was hard for me to breathe. I also went to bring to your attention I got out the hole 1-4-19 and came back to housing Unit 2 1-31-19 and was placed back in C-Wing in Cell 13 and ceiling was flooding in the dorm again.

III. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive. *No physical injuries to my knowledge because I still have not been checked for Mold.*

IV. Relief

State briefly and precisely what you want the Court to do for you. Do not make legal arguments. Do not cite any cases or statutes. If you are requesting money damages, include the amounts of any actual damages and/or punitive damages you are claiming. Explain why you believe you are entitled to recover those damages.

I'm requesting \$20,000 for inhumane living condition deliberate indifference, intentional infliction of emotional distress which was a violation of my 8th amendment. I want every offender in this prison checked for mold. I want the whole prison check for mold. I want the pipelines fixed by professional with the federal funding that granted to the prison by Tax payer dollars. I want all of the mold took out. I believe I'm entitled to this because they intentionally inflicted cruel and unusual punishment when they just could've moved me cells. I want every defendant fired from their position. I want the \$20,000 separately.

V. Exhaustion of Administrative Remedies/Administrative Procedures

The Prison Litigation Reform Act ("PLRA") 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison or other correctional facility where you were confined at the time of the events giving rise to your claim(s):

Potosi Correctional Center

- B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

- C. If yes, does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☐ No

☒ Do not know

If yes, which claim(s)?

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

E. If you did file a grievance:

1. Where did you file the grievance?

P.C.C.

2. What did you claim in your grievance? (Attach a copy of your grievance, if available)

Inhumane living condition deliberate indifference

3. What was the result, if any? (Attach a copy of any written response to your grievance, if available)

Denied

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. *(Describe all efforts to appeal to the highest level of the grievance process.)*

Grievance appeal to
Department of Corrections, Deputy Division Director, Division
of Adult Institutions Jeff Norman.

- F. If you did not file a grievance:

N/A

1. If there are any reasons why you did not file a grievance, state them here:

N/A

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

N/A

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

I have written statements from
another inmate that was a witness to
the complaint.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VI. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

- A. To the best of your knowledge, have you ever had a case dismissed on the basis of this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case and when it was dismissed. Attach a copy of the court's order, if possible.

N/A

Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff *N/A*

Defendant(s) *N/A*

2. Court (if federal court, name the district; if state court, name the state and county)

3. Docket or case number *N/A*

4. Name of Judge assigned to your case *N/A*

5. Approximate date of filing lawsuit N/A
6. Is the case still pending?
- ☐ Yes
- ☐ No (If no, give the approximate date of disposition): N/A
7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?) N/A

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☒ Yes ☐ No

- D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff Rico Paul

Defendant(s) Travis Pacheco

2. Court (if federal court, name the district; if state court, name the state and county)

United States District Court Eastern District of Missouri
Eastern Division

3. Docket or case number 4:18-cv-02057 AGF
4. Name of Judge assigned to your case Audrey G. Fleissig
5. Approximate date of filing lawsuit December 10, 2018

6. Is the case still pending?



Yes



No (If no, give the approximate date of disposition): N/A

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?) N/A

VII. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 24 day of June, 2019.

Signature of Plaintiff

